



Attn Dkt No. 4002-3385

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
Bradley T. Estes et al.) Before the Examiner
)
Serial No. 10/650,494)
)
Filed: August 28, 2003) Art Unit
)
LATERALLY EXPANDING)
INTERVERTEBRAL FUSION DEVICE)

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Please consider this Preliminary Amendment in the above-captioned application prior to examination.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this submission.

Remarks begin on page 12.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, Alexandria VA 22313-1450 on

October 20 2003

(Date of Deposit)

James B. Myers Jr.

Name of Registered Representative

James B. Myers Jr.

Signature

October 20 2003

Date of Signature

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01 FC:1202
02 FC:1201

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